

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LARRY FREUDENBERG, Individually and
On Behalf of All Others Similarly Situated, :
Plaintiff, : Civil Action No.
- against - : 07 Civ. 8538 (JPO) (MHD)
E*TRADE FINANCIAL CORPORATION, :
MITCHELL H. CAPLAN, ROBERT J. :
SIMMONS and DENNIS E. WEBB, :
Defendants. :

**NOTICE OF PLAINTIFFS' COUNSEL'S MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION EXPENSES**

PLEASE TAKE NOTICE that Counsel for Lead Plaintiffs Kristen Management Limited, Straxton Properties, Inc., and Javed Fiyaz, Co-Lead Plaintiff Ira Newman, and additional plaintiffs Peter Farah and Andrea Frascaroli (“Plaintiffs”) respectfully move this Court pursuant to FED. R. CIV. P. 23(h) and 54(d)(2) and 15 U.S.C. §78u-4(a)(6) for an award of attorneys’ fees and reimbursement of expenses.

The Motion is based upon the accompanying Memorandum of Law in Support of Plaintiffs' Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses, the accompanying Joint Declaration of David A.P. Brower and Eduard Korsinsky in Support of Plaintiffs' Motions for Final Certification of Settlement Class, Final Approval of Class Notice, Final Approval of the Proposed Settlement, Final Approval of the Proposed Plan of Allocation, and Plaintiffs' Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses and the exhibits thereto, and other such matters and

arguments as the Court may consider during the hearing of this Motion.

Dated: August 10, 2012

BROWER PIVEN
A PROFESSIONAL CORPORATION

/s/ David A.P. Brower

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Co-Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2012, I served true and correct copies of the foregoing Notice of Plaintiffs' Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses on Defendants' counsel by causing copies to be sent by the ECF system and by electronic mail to:

Dennis Glazer
Amelia T.R. Starr
DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, NY 10017

/s/ David A.P. Brower

David A.P. Brower